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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,040	03/23/2004	Takashi Akita	04995/140001	2727
7590	10/19/2005			EXAMINER
Jonathan P. Osha Osha Novak & May L.L.P. Suite 2800 1221 McKinney St. Houston, TX 77010			FERGUSON, MICHAEL P	
			ART UNIT	PAPER NUMBER
			3679	
DATE MAILED: 10/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

KC

Office Action Summary	Application No.	Applicant(s)
	10/807,040	AKITA, TAKASHI
	Examiner Michael P. Ferguson	Art Unit 3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 July 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3 is/are rejected.
- 7) Claim(s) 4 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12 July 2005 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Low (US 4,920,799).

As to claim 1, Low discloses an attachment structure of a rear panel to a tuner, in which a rear panel **20** is attached and fixed onto a front surface of a tuner **30**, the tuner having two connector connection parts **A** (Figure 1 reprinted below with annotations) protruding in front and a small protrusion **B** with a tapped hole for panel attachment provided in a middle position between the connector connection parts, the attachment structure comprising:

the rear panel having two holes **26** for inserting the connector connection parts in portions corresponding to the two connector connection parts of the tuner and a small cylindrical part **23** that is formed protrusively to the tuner side in a portion corresponding to the small protrusion with the tapped hole of the tuner; and

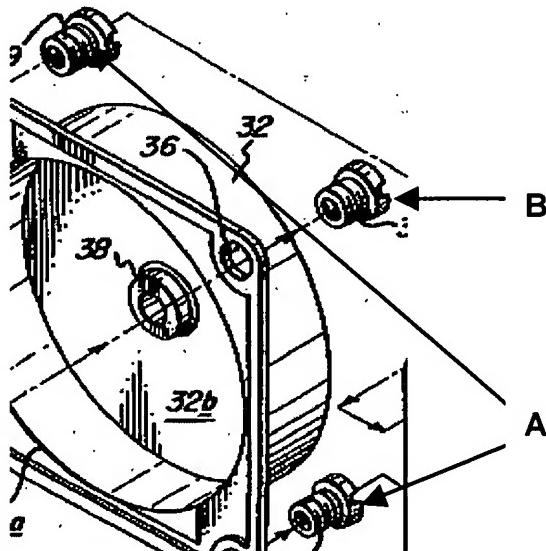
a male screw;

wherein the two connector connection parts of the tuner are inserted into the two holes of the rear panel, and a leading end of the small cylindrical part is brought into contact with a front surface of the small protrusion with the tapped hole of the tuner, and

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under this state, the male screw is inserted into the small cylindrical part from the front surface side of the rear panel and further a leading end of the male screw is screwed into the tapped hole of the small protrusion with the tapped hole of the tuner, whereby the rear panel is attached and fixed onto the front surface of the tuner (Figures 1 and 2B).

Applicant is reminded that **process limitations are given no patentable weight in product claims.** The patentability determination of product-by-process claims is based on the product itself, even though such claims are limited and defined by the process. See MPEP § 2113. "The patentability of a product does not depend on its method of production." In re Thorpe, 777 F.2d 695,698,USPQ 964,966 (Fed.Cir.1985).



As to claim 2, Low discloses an attachment structure of a rear panel to a tuner, in which a rear panel 20 is attached and fixed onto a front surface of a tuner 30, the tuner having two connector connection parts A protruding in front and a small protrusion B

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with a tapped hole for panel attachment provided in a middle position between the connector connection parts, the attachment structure comprising:

the rear panel having two holes **26** for inserting the connector connection parts in portions corresponding to the two connector connection parts of the tuner and a small cylindrical part **23** that is formed protrusively to the tuner side in a portion corresponding to the small protrusion with the tapped hole of the tuner; and

a male screw;

wherein the two connector connection parts of the tuner are inserted into the two holes of the rear panel, and a leading end of the small cylindrical part is brought into contact with a front surface of the small protrusion with the tapped hole of the tuner, and under this state, the male screw is inserted into the small cylindrical part from the front surface side of the rear panel and further a leading end of the male screw is screwed into the tapped hole of the small protrusion with the tapped hole of the tuner, whereby the rear panel is attached and fixed onto the front surface of the tuner (Figures 1 and 2B).

As to claim 3, Low discloses an attachment structure wherein the small cylindrical part **23** of the rear panel **20** is formed, and a peripheral projection part **23** that comes into contact with the front surface of the tuner **30** is formed in a portion of each of the two holes **26** (Figure 2).

Applicant is reminded that **process limitations are given no patentable weight in product claims.** The patentability determination of product-by-process claims is based on the product itself, even though such claims are limited and defined by the

process. See MPEP § 2113. "The patentability of a product does not depend on its method of production." In re Thorpe, 777 F.2d 695,698,USPQ 964,966 (Fed.Cir.1985).

Allowable Subject Matter

3. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter:

As to claim 4, Low discloses the claimed attachment structure with the exception of wherein in a portion of each of the two holes, a part having plural cuts in circular direction of a hole edge is formed by blanking; the cuts are bent toward the front side of the tuner thereby to form a peripheral projection part; and a leading end of the peripheral projection part comes into contact with the front surface of the tuner.

There is no teaching or suggestion, absent the applicant's own disclosure, for one having ordinary skill in the art at the time the invention was made to modify the attachment structure as disclosed by Low to have the above mentioned elemental features.

Response to Arguments

5. Applicant's arguments, filed July 12, 2005, with respect to the rejection(s) of claim(s) 1-4 under Ponticelli et al. (US 5,441,421) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Low (US 4,920,799).

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MPF

09/21/05



DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600



REPLACEMENT SHEET

1 OF 2

FIG. 3A

FIG. 3B

APPROVED.

[Signature]
9/2/05

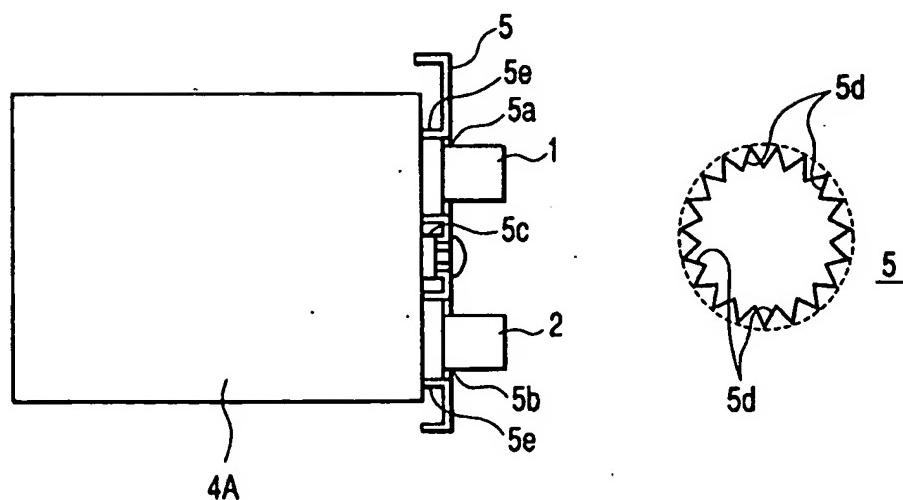


FIG. 4

PRIOR ART

